

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PATRICK NAVIN,

Plaintiff,

v.

RAYNA HARTZ, in her official capacity
as Yupiit School District Superintendent;
Tariq Malik, in his official capacity as
Akiachak School Principal; and YUPIIT
SCHOOL DISTRICT,

Defendants.

Case No. 4:20-cv-00007-TMB

**ORDER ON MOTION TO COMPEL
DISCOVERY RESPONSES
(DKT. 14)**

The matter comes before the Court on Defendants Rayna Hartz, Tariq Malik, and the Yupiit School District's (collectively the "Defendants") Motion to Compel Discovery Responses (the "Motion").¹ Defendants move to compel Plaintiff Patrick Navin "to answer the interrogatories and respond to the requests for production in Defendants' First Set of Discovery Requests to Plaintiff propounded July 6, 2021."² Plaintiff responds that he "has completed his responses to the discovery requests at issue," although he did so only after Defendants filed the Motion.³ Defendants confirm in their Reply that Plaintiff has responded to the at-issue requests.⁴

¹ Dkt. 14 (Motion).

² *Id.* at 1.

³ Dkt. 15 (Response).

⁴ Dkt. 18 (Reply).

Accordingly, the Court **DENIES** the Motion as moot. Defendants may move for fees and costs incurred in writing and filing the Motion.⁵

In addition, the Court **DENIES** Defendants' request for "an order that the matters referenced in Request for Admission Nos. 3, 7, 10, and 11 are deemed admitted without qualification" under Federal Rule of Civil Procedure ("Rule") 36(a)(3).⁶ Rule 36 "seeks to serve two important goals: truth-seeking in litigation and efficiency in dispensing justice."⁷ Consistent with these goals, the Rule "provides a court with discretion to extend the time for responding to requests for admissions, even after the time to respond has expired."⁸ Having considered Defendants' position, Plaintiff's explanation for the approximately two-month delay answering requests for admission, and the truth-seeking function of discovery, the Court finds it appropriate to exercise such discretion here.

IT IS SO ORDERED.

Dated at Anchorage, Alaska, this 13th day of April, 2022.

/s/ Timothy M. Burgess
TIMOTHY M. BURGESS
UNITED STATES DISTRICT JUDGE

⁵ Defendants ask the Court "to award them the fees and costs incurred as a result of having to file the motion to compel discovery responses." *Id.* at 2. The Court will not consider this request at this time as it was raised for the first time in reply and Plaintiff has not had an opportunity to respond. *See* Alaska L. Civ. R. 7.1(c).

⁶ Dkt. 18 at 2; *see also* Dkt. 14 at n.1.

⁷ *Conlon v. United States*, 474 F.3d 616, 622 (9th Cir. 2007).

⁸ *Scalia v. Sin City Inv. Grp., Inc.*, No. 219CV361JCMNJK, 2020 WL 3172997, at *3 (D. Nev. June 15, 2020); Fed. R. Civ. P. 36(a)(3).